

CRM-M-10165-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-10165-2024

Date of decision:04.03.2024

Jasbir Kaur alias Soma

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahi Mehra, Advocate for the petitioner.
Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.16 dated 04.02.2023, registered for the offences punishable under Sections 363, 366-A, 367, 120-B of IPC and Sections 370, 468, 471 of IPC (added later on) and Section 79 of Juvenile Justice Act along with the Child and Adolescent Labour Act r/w Bonded Labour (Abolition) Act (added later on) at Police Station City Patti, District Tarn Taran.

2. The case set up in the FIR in question is as follows:-

“To the Senior Superintendent of Police, Tarn Taran. Subject- Complaint against Kiran Kaur wife of Parveen Kumar Parveen Kumar son of not known, resident of Guru Ramdas Colony Patti- serving Block President, Aam Admi Party, Patti, Tehsil Patti, District, Tarn Taran and Soma wife of Kartar Singh resident of Malluwal, tehsil and district Tarn Taran and Sachin Bhasin, resident of 83-A, Model Town, police station, Baradari, Bareilly, U.P. for engaging my daughter Amandeep Kaur having date of birth 21-06-2008, on work and losing her. Legal action be taken against them and a case be registered under the relevant sections of law and finding my daughter and handing her over to me. That I, Resham Singh son of Joginder Singh is a resident of Singhpura, Tehsil and district Tarn

Taran. That I belong to backward class and I have three children namely Pooja Kaur, Jaspal Singh and younger daughter Amandeep Kaur. The name of my daughter was Amandeep Kaur whose date of birth was 21.06.2008 and who was 8th class pass. Her Aadhar number is 7880-8058-1499. That lastly during the corona period the availability of work was no there and due to which we unanimously decided amongst our family that to put our daughter Amandeep Kaur to some work. Thereafter I talked to my relatives who are the residents of Harike. They introduced us to two residents of Patti, namely Kiran Kaur wife of Praveen Kumar and Praveen Kumar son of unknown, who is the present block President from Aam Admi Party, Tehsil Patti. They told us that we have earlier also facilitated and engaged work for many girls and you send your daughter Amandeep Kaur to us. Then in July'2022 I dropped my daughter at the residence of Kiran Kaur wife of Praveen Kumar and Praveen Kumar Then Kiran Kaur sent two tickets on whatsapp from number 99151-51140, bearing PNR number 22444644671 seat number 78 coach number S4 Akal Takht express 12318, dated 15.07.2022. The copies of the tickets are attached herein. Thereafter two mobile numbers were given to my daughter, 98375-00020, 70179-99912, the two tickets were from Amritsar to Bareilly. With my daughter the daughter of Soma also went for work. Then of my daughters whatsapp number 99158-38341 Kiran shared the tickets and mobile numbers. That on 20-09-2022, I, received a phone call from my daughter Amandeep Kaur from phone number 89687-29859, that I don't want to continue work here and take me from here. Then I told to the above subjected accused Kiran, Praveen Kumar and Soma that our daughter says she don't want to live there on work and we want to bring her back from Bareilly. The accused didn't render any heed to us and gave one or the other excuse. That we took Praveen Kumar to Bareilly with us but we didn't get any justice from Bareilly. Then we came back and gave different complaints dated 12.10.2022 to incharge police post Sur Singh, 26.10.2022 to SHO Bhikhiwind and 08.12.2022 to SSP, Tarn Taran and thereafter we went to Bareilly for the second time and gave a written complaint there on 15.12.2022 to SHO police station Baradari. We don't have any information of our daughter Amandeep Kaur. It is important to mention here that when we received phone from our daughter on 20-09-2002 and when she lost on 22-09-2022, then we tried to locate her. That thereafter the accused as mention in subject from Bareilly sent the Aadhar card of our daughter on whatsapp on which the date of birth of my daughter was mentioned as 21.06.2004 and the image was changed the

copy is attached herewith. The entire work is done by agent Kiran and Parveen Kumar. That the accused Parveen went to the police station and gave complaints and when first went to Bareilly there he didn't gave any complaint. It is clear from above that it is because of the aforementioned accused my daughter is lost because they have engaged our daughter on work. It is requested that the accused be interrogated strictly and our daughter Amandeep Kaur be found and returned to us and legal action be taken against the accused by registering a case against the accused. Thanking you 03.01.2023 you gratefully Sd/ Resham Singh son of Joginder Singh resident of village Singhpura police station Bhikhi wind Tehsil and district Tarn Taran, mobile number 95929-68841."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.06.2023 and investigation in the case already stands completed. Learned counsel has further argued that the petitioner is a lady aged about 44 years & had in-fact sent her daughter as well to work along with the victim. It is thus argued that there is no specific evidence submitted along with the challan so as to involve the petitioner (herein) for offences under Sections 363/366-A/367/120-B/370/468/471 of IPC and Section 79 of Juvenile Justice Act along with the Child and Adolescent Labour Act r/w Bonded Labour (Abolition) Act. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 01.03.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 29.06.2023 whereinafter investigation was carried out and challan stands presented on 27.09.2023. Total 08 prosecution witnesses have been cited and the culmination of trial will take its own time. The rival contention of learned counsel for the parties, as to whether any incriminating evidence has been brought out by the prosecution, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. The petitioner is a lady aged about 44 years with no criminal antecedents. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 01.03.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 08 months. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

- (v)

The petitioner shall deposit her passport, if any, with the trial Court.
- (vi)

The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii)

The petitioner shall not in any manner try to delay the trial.
8.

In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9.

Ordered accordingly.
10.

Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11.

Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 04, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No